

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STEVE JAZEH,)	
)	
Plaintiff,)	No. 08 C 1987
)	
v.)	Judge Shadur
)	
MICHAEL CHERTOFF, DIRECTOR OF THE)	
DEPARTMENT OF HOMELAND)	
SECURITY, <i>et al.</i> ,)	
)	
Defendants.)	

ANSWER

Plaintiff, STEVE JAZEH, by and through, REEM H. ODEH, of the LAW OFFICES OF BRODSKY & ODEH respectfully requests this Court to enter an order directing the Defendant, MICHAEL CHERTOFF, Director of Homeland Security to adjudicate Plaintiff's application for Naturalization.

In support of said request, the Plaintiff states as follows:

JURISDICTION AND VENUE

1. **Complaint:** The is a civil action brought pursuant to 8 U.S.C. section 1329, and 28 U.S.C. Sections 1331 and 1361, and Section 1447(b) to redress the deprivation of rights, privileges and immunities secured to Plaintiff, by which statutes jurisdiction is conferred, to compel Defendant to perform a duty Defendant owes to Plaintiff, 5 U.S.C. section 704 also confers jurisdiction.

Response: Defendants admit the allegations of paragraph 1 as a statement of what type of action is alleged but deny that there is jurisdiction over the subject matter of this action.

2. **Complaint:** Venue is proper under 28 U.S.C. section 1391(b), since Defendant is the Director of the Bureau of Citizenship and Immigration Services (BCIS), an agency of the United States Government, under the Department of Homeland Security. The Defendant Robert S. Mueller III, is the Director of the federal Bureau of Investigations.

Response: Defendants admit the allegations of paragraph 2.

3. **Complaint:** This action is brought to compel the defendant, officers and an agency of the United States, to perform its duties arising under the laws of the United States.

Response: Defendants admit that the purpose of plaintiff's action is as alleged, but deny that plaintiff has stated a proper claim.

4. **Complaint:** The APA requires USCIS and the FBI to carry out their duties within a reasonable time. The provision of the APA that provides this is 5 U.S.C. Sec. 555(b), which states that "with due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it." USCIS and FBI are subject to 5 USC Sec. 555(b). The Plaintiffs contend that the delays in processing their application for adjustment of status are unreasonable.

Response: Defendants deny the allegations of the last sentence of paragraph 4 but otherwise admit the allegations of paragraph 4.

PARTIES

5. **Complaint:** Plaintiff, Steve Jazeh is a native and citizen of Syria. He became a Legal Permanent Resident of the United States on June 6, 2001.

Response: Defendants admit the allegations of paragraph 5.

6. **Complaint:** Plaintiff's alien number is A#076-403-742.

Response: Defendants admit the allegations of paragraph 6.

7. **Complaint:** Defendant, MICHAEL CHERTOFF, is the Director of the Department of Homeland Security. As such, he is charged with the duty of administration and enforcement of all the functions, powers, and duties of Bureau of Citizenship & Immigration Services, the former INS. The Defendant Robert S. Mueller III, is the Director of the federal Bureau of Investigations.

Response: Defendants admit the allegations of paragraph 7.

CLAIMS FOR RELIEF

8. **Complaint:** On December 19, 2006, Plaintiff filed his application for Naturalization for U.S. Citizenship, paid the appropriate filing fee.

Response: Defendants deny that plaintiff's application was filed on December 19, 2006, but otherwise admit the allegations of paragraph 8.

9. **Complaint:** On January 23, 2007, the Plaintiff was requested to have his Biometrics completed and fingerprints taken which was successfully completed.

Response: Defendants admit the allegations of paragraph 9.

10. **Complaint:** That since the filing of the Application for Naturalization which was filed on December 19, 2006, the Plaintiff has never been scheduled for an Interview.

Response: Defendants deny that the date of filing of the application was December 19, 2006 but otherwise admit the allegations of paragraph 10.

11. **Complaint:** Prior to the filing of this Complaint, the Plaintiff has made several attempts with the Defendant to inquire about the status of his application, the Plaintiff or his attorneys have made several attempts with the Defendant to inquire about the status of his

application, the Plaintiff or his attorneys have made numerous oral and written requests of the Defendant concerning a final adjudication of said applications. No further action was taken by Defendants in this matter.

Response: Defendants admit that plaintiff made inquiries, is without knowledge sufficient to admit or deny whether the inquiries were written or oral, and deny that defendants took no further action because defendants responded to at least two inquiries but admit that a decision has not been made because the background check has not yet been completed.

12. **Complaint:** The Defendant, in violation of the Administrative Procedure Act, is unlawfully withholding or unreasonably delaying a decision on the applications of Plaintiff.

Response: Defendants deny the allegations of paragraph 12.

13. **Complaint:** Plaintiff has exhausted any remedies that may be exist.

Response: Defendants deny the allegations of paragraph 13 because plaintiff has not yet waited an unreasonable amount of time given the circumstances.

WHEREFORE, Plaintiff prays that the Court:

- A. Compel Defendant and those acting under him to perform their duty to rule upon the Plaintiff's applications;
- B. Grant attorney's fees and cost of court
- C. Grant such other and further relief as this Court sees proper under the circumstances. Respectfully Submitted, /s/ Reem H. Odeh

Respectfully submitted,

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